

# PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Edmund Hoppe et al.  
Application No.: 10/766,339

Examiner: Ketter, James  
Art Unit: 1636

Filed: January 28, 2004

Title: SCREENING ASSAY BASED ON THE FORKHEAD TRANSCRIPTION FACTOR-DEPENDENT SOD-3 PROMOTER

### RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement under 35 U.S.C. § 121 dated September 11, 2006, Applicants provisionally elect Group I (Claims 1-25), drawn to an isolated nucleic acid comprising SEQ ID NO: 1, and cells and *C. elegans* comprising the nucleic acid, classified in class 800, subclass 13, *with traverse*. Applicants file concurrently herewith a Petition under 37 § 1.136(a) to extend the time for response for one (1) month, or until November 11, 2006. Applicants respectfully request reconsideration and modification of the restriction requirement in view of the following remarks.

### Remarks

The Examiner has required, under 35 U.S.C. § 121, restriction to one of the following two groups of inventions:

Group I. Claims 1-25, drawn to an isolated nucleic acid comprising SEQ ID NO: 1, and cells and *C. elegans* comprising the nucleic acid, classified in class 800, subclass 13.

Group II. Claims 26-35, drawn to a method of identifying a modulating compound,